

driving the marking device and having a supporting surface for the securing disc element. Unity exists between claims 1 and 2.

10.35 Example 15

Claim 1: Compound A.

Claim 2: An insecticide composition comprising compound A and a carrier.

Unity exists between claims 1 and 2. The special technical feature common to all the claims is compound A.

10.36 Example 16

Claim 1: An insecticide composition comprising compound A (consisting of a_1, a_2, \dots) and a carrier.

Claim 2: Compound a_1 .

All compounds A are not claimed in the product claim 2 for reasons of lack of novelty of some of them for instance.

There is nevertheless still unity between the subject matter of claims 1 and 2 provided a_1 has the insecticidal activity that is also the special technical feature for compound A in claim 1.

10.37 Example 17

Claim 1: A chair with a lifting mechanism.

Claim 2: A chair with a mechanical screw lifting mechanism.

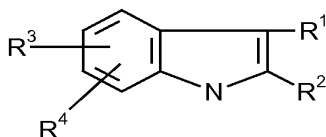
Claim 3: A chair with a hydraulic lifting mechanism.

Unity exists between claims 1-3. The special technical feature common to all the claims is the lifting mechanism. However, if any lifting mechanism is known in the art, unity would be lacking because there would not be a special technical feature common to all the claims.

Markush Practice

10.38 Example 18: Common Structure

Claim 1: A compound of the formula:

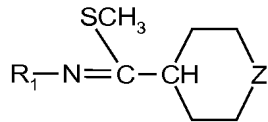


wherein R^1 is selected from the group consisting of phenyl, pyridyl, thiazolyl, triazinyl, alkylthio, alkoxy, and methyl; R^2 - R^4 are methyl, benzyl, or phenyl. The compounds are useful as pharmaceuticals for the purpose of enhancing the capacity of the blood to absorb oxygen.

In this case the indolyl moiety is the significant structural element that is shared by all of the alternatives. Since all the claimed compounds are alleged to possess the same utility, unity is present.

10.39 Example 19: common structure:

Claim 1: A compound of the formula:



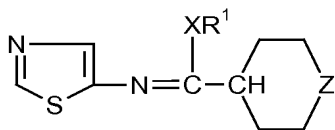
wherein R_1 is selected from the group consisting of phenyl, pyridyl, thiazolyl, triazinyl, alkylthio, alkoxy, and methyl; Z is selected from the group consisting of oxygen (O), sulfur (S), imino (NH), and methylene ($-CH_2-$).

The compounds are alleged to be useful as pharmaceuticals for relieving lower back pain.

In this particular case the iminothioether group $-N=C-SCH_3$ linked to a six atom ring is the significant structural element which is shared by all the alternatives. Thus, since all the claimed compounds are alleged to possess the same use, unity would be present.

10.40 Example 20: Common Structure

Claim 1: A compound of the formula:

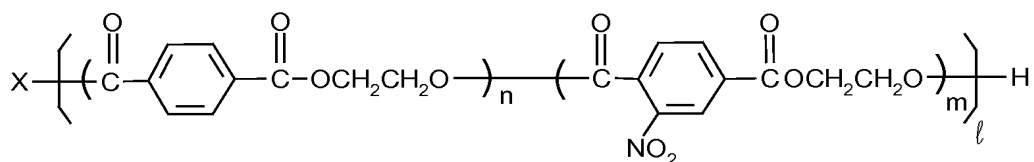


wherein R^1 is methyl or phenyl, X and Z are selected from oxygen (O) and sulfur (S).

The compounds are useful as pharmaceuticals and contain the 1,3-thiazolyl substituent which provides greater penetrability of mammalian tissue which makes the compounds useful as relievers for headaches and as topical anti-inflammatory agents.

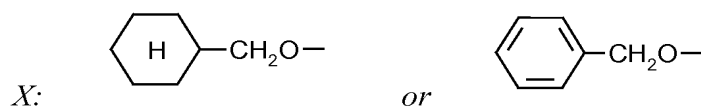
All compounds share a common chemical structure, the thiazole ring and the six atom heterocyclic compound bound to an imino group, which occupy a large portion of their structure. Thus, since all the claimed compounds are alleged to possess the same use, unity would be present.

10.41 Example 21: Common Structure



$$1 \leq l \leq 10$$

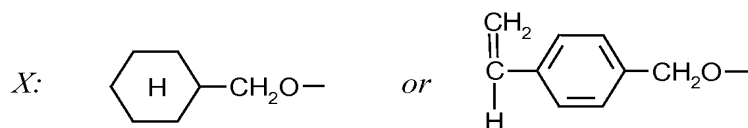
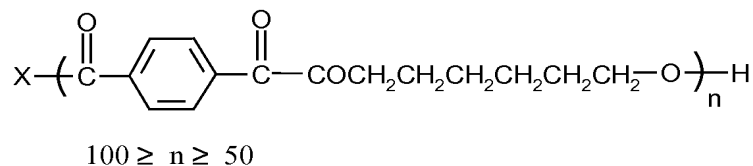
$$200 \geq n + m \geq 100$$



All of the above copolymers have in common a thermal degradation resistance property, due to the reduced number of free COOH radicals by esterification with X of the end COOH radicals which cause thermal degradation.

The chemical structures of the alternatives are considered to be technically closely interrelated to one another. A grouping in one claim is therefore allowed.

10.42 *Example 22: Common Structure:*



The compound obtained by esterifying the end COOH radical of known polyhexamethyleneterephthalate with $\langle \text{H} \rangle - \text{CH}_2\text{O} -$ has a thermal degradation resistant property, due to the reduced number of free COOH radicals which cause thermal degradation. In contrast, the compound obtained by esterifying the end COOH radical of known polyhexamethyleneterephthalate with a vinyl compound containing a $\text{CH}_2 = \text{CH} - \text{C}_6\text{H}_4 - \text{CH}_2\text{O} -$ moiety serves as a raw material for a setting resin when mixed with unsaturated monomer and cured (addition reaction).

All esters covered by the claim do not have a property or activity in common. For example, the product obtained through esterification with the “ $\text{CH}_2 = \text{CH}$ ” vinyl compound does not have a thermal degradation resistant property. The grouping in a single application is not allowed.

10.43 *Example 23: No Common Structure*

Claim 1: A herbicidal composition consisting essentially of an effective amount of the mixture of A 2,4-D(2,4-dichloro-phenoxy acetic acid) and B a second herbicide selected from the group consisting of copper sulfate, sodium chlorate, ammonium sulfamate, sodium trichloroacetate, dichloropropionic acid, 3-amino-2,5-dichlorobenzoic acid, diphenamid (an amide), ioxynil (nitrile), dinoseb (phenol), trifluralin (dinitroaniline), EPTC (thiocarbamate), and simazine (triazine) along with an inert carrier or diluent.

The different components under B must be members of a recognized class of compounds. Consequently in the present case a unity objection would be raised because the members of B are not recognized as a class of compounds, but, in fact, represent a plurality of classes which may be identified as follows:

- (a) inorganic salts:
 - copper sulfate
 - sodium chlorate
 - ammonium sulfamate
- (b) organic salts and carboxylic acids:
 - sodium trichloroacetate

dichloropropionic acid

3-amino-2,5-dichlorobenzoic acid

(c) amides:

diphenamid

(d) nitriles:

ioxynil

(e) phenols:

dinoseb

(f) amines:

trifluralin

(g) heterocyclic:

simazine

10.44 Example 24

Claim 1: A pharmaceutical compound of the formula:



wherein:

A is selected from C₁-C₁₀ alkyl or alkenyl or cycloalkyl, substituted or unsubstituted aryl or C₅-C₇ heterocycle having 1-3 heteroatoms selected from O and N;

B is selected from C₁-C₆ alkyl or alkenyl or alkynyl, amino, sulfoxy, C₃-C₈ ether or thioether;

C is selected from C₅-C₈ saturated or unsaturated heterocycle having 1-4 heteroatoms selected from O, S or N or is a substituted or unsubstituted phenyl;

D is selected from B or a C₄-C₈ carboxylic acid ester or amide; and

E is selected from substituted or unsubstituted phenyl, naphthyl, indolyl, pyridyl, or oxazolyl.

From the above formula no significant structural element can be readily ascertained and thus no special technical feature can be determined. Lack of unity exists between all of the various combinations. The first claimed invention would be considered to encompass the first mentioned structure for each variable, that is, A is C₁ alkyl, B is C₁ alkyl, C is a C₅ saturated heterocycle having one O heteroatom, D is C₁ alkyl, and E is a substituted phenyl.

10.45 Example 25

Claim 1: Catalyst for vapor phase oxidation of hydrocarbons, which consists of (X) or (X+a).

In this example (X) oxidizes RCH₃ into RCH₂OH and (X+a) oxidizes RCH₃ further into RCOOH.

Both catalysts share a common component and a common activity as oxidation catalyst for RCH₃. With (X+a) the oxidation is more complete and goes until the carboxylic acid is formed but the activity still remains the same.